

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
DECEMBER 11, 2001
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Rabbi Ysrael Greenberg, Chabad Lubavitch, followed by the Pledge of Allegiance to the Flag of the United States of America. The following presentations were made:

1. Appreciation Awards (3) to Print World, KTSM - TV and Howell Electronics
2. 12 Days of Christmas
3. Bill of Rights Day (12/15)
4. Kids N Company at the Plaza Theatre Month (December)
5. Distinguished Budget Presentation Award to Comptroller's Dept
6. Excellence in Financial Reporting to OMB

Mayor Raymond C. Caballero asked for a moment of silence as it had been three months since the September 11 terrorist attacks on the United States.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City, accept a donation of WINFAX PRO software from the Northeast Healthy Community Foundation for use by the El Paso Police Department in connection with the Northeast Regional Command Center's Neighborhood Watch Program's FAX Force. The total value of the donation is approximately \$100.00.

Officer Steven Gordon, Northeast Police Crime Prevention Unit, explained that the software would be utilized to send out the Fax Force which is a communication line between the Police Department and businesses located throughout the City. This software will help establish and promote the Neighborhood Watch programs in the Northeast.

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Representative Sumrall thanked the Northeast Healthy Community Foundation for their donation. She commented on the reverse "9-1-1" program that automatically dials telephone numbers and leaves messages throughout the City similar to a "Maria Alert". She wondered whether this was the same as the Fax Force.

Officer Gordon responded that a fax message is sent rather than a voice message. He went on to state that currently the messages are sent via internet email and fax machine.

Representative Sumrall questioned that when a "Maria Alert" is in effect would it possible to utilize the Fax Force as well.

Officer Gordon responded yes.

Mr. Clark Peters, Community Coordinator for the Northeast Healthy Community Council, emphasized the importance of the Neighborhood Watch program. He challenged other areas in El Paso to join in and become involved in the Neighborhood Watch program.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Motion made by Representative Medina, seconded by Representative Sariñana, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

Representative Sumrall was not present for the vote.

*Motion made, seconded and unanimously carried to approve the Minutes of Special City Council Meeting on November 26, 2001 and Regular City Council Meetings of August 28, 2001 and November 13, 2001.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept a donation of a sculpture entitled "Three Doves" by the Artist Manuel Bennett on behalf of the City of El Paso and to sign a Donation Agreement to memorialize the agreement between the City of El Paso and the donor regarding the gift of the sculpture.

Lic. Miguel Antonio Meza Estrada, General Consul of Mexico in El Paso, spoke of the artist, Mr. Manuel Bennett, and explained the sculpture to Council Members.

Mr. Patrick Abeln, Director of Aviation, accepted the donation on behalf of the airport. He noted that the sculpture would be at the center of an area of the airport that is currently under renovation.

Mayor Raymond C. Caballero explained that Mr. Bennett's son, Russell, is the Head of U.S. Section of the U.S./Mexico Border Health Commission.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

***RESOLUTION**

WHEREAS, on June 19, 2001 the City Council authorized the Mayor to sign a Lessor's Approval of Assignment with regard to the Ground Lease between the City of El Paso as Lessor and The Kennedy 1978 Trust as Assignor covering the property described as a portion of Lot 7, Block 13, Butterfield Trail Industrial Park, Unit Three, City of El Paso, El Paso County, Texas municipally known and numbered as 35 Celerity Wagon, El Paso, Texas.

WHEREAS, The Kennedy 1978 Trust proposed to transfer the Ground Lease to FINSA El Paso, Inc. but did not consummate the transaction with FINSA El Paso, Inc.

WHEREAS, The Kennedy 1978 Trust requests that the City of El Paso correct its records to reflect that the Lease has not been assigned to FINSA El Paso, Inc.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Lessor's Approval of Assignment granted on June 19, 2001 is hereby revoked and the Ground Lease by and between the City as Lessor and The Kennedy 1978 Trust remains in full force and effect.

***RESOLUTION**

WHEREAS, on June 19, 2001 the City Council authorized the Mayor to sign a Lessor's Approval of Assignment with regard to the Ground Lease between the City of El Paso as Lessor and The Kennedy 1978 Trust as Assignor covering the property described as Lots 7, 8, 9 and 10, Block 8, Butterfield Trail Industrial Park, Unit Two, City of El Paso, El Paso County, Texas municipally known and numbered as 15 Leigh Fisher Blvd., El Paso, Texas.

WHEREAS, The Kennedy 1978 Trust proposed to transfer the Ground Lease to FINSA El Paso, Inc. but did not consummate the transaction with FINSA El Paso, Inc.

WHEREAS, The Kennedy 1978 Trust requests that the City of El Paso correct its records to reflect that the Lease has not been assigned to FINSA El Paso, Inc.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Lessor's Approval of Assignment granted on June 19, 2001 is hereby revoked and the Ground Lease by and between the City as Lessor and The Kennedy 1978 Trust remains in full force and effect.

***RESOLUTION**

WHEREAS, on June 19, 2001 the City Council authorized the Mayor to sign a Lessor's Approval of Assignment with regard to the Ground Lease between the City of El Paso as Lessor and The Kennedy 1978 Trust as Assignor covering the property described as Lots 7, 8 and 9, Block 13, Butterfield Trail Industrial Park, Unit Three, City of El Paso, El Paso County, Texas municipally known and numbered as 26-28 Walter Jones, El Paso, Texas.

WHEREAS, The Kennedy 1978 Trust proposed to transfer the Ground Lease to FINSA El Paso, Inc. but did not consummate the transaction with FINSA El Paso, Inc.

WHEREAS, The Kennedy 1978 Trust requests that the City of El Paso correct its records to reflect that the Lease has not been assigned to FINSA El Paso, Inc.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Lessor's Approval of Assignment granted on June 19, 2001 is hereby revoked and the Ground Lease by and between the City as Lessor and The Kennedy 1978 Trust remains in full force and effect.

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***RESOLUTION**

Be it resolved by the City Council of the City of El Paso:

That the Mayor be authorized to sign the following contract on behalf of the Arts Resources Department for the FY2002 World on a String Guitar Series to be held at the Chamizal National Memorial, as recommended by the Arts Resources Department Staff.

1. Saudade Guitar Management for Dusan Bogdanović; one performance on April 26, 2002; cost of \$3,200.00.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the contract on behalf of the Arts Resources Department, between the City and local musician Alfonso Varona, in the amount of \$400.00, for professional services as the piano accompanist during the FY2002 ARD Young at Art's Series Missoula Theater performances, January 11-12, 2002.

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***RESOLUTION**

Be it resolved by the City Council of the City of El Paso:

That the Mayor be authorized to sign the following contracts on behalf of the Arts Resources Department for the FY2002 Discovery Series to be held at the Chamizal National Memorial, as recommended by the Arts Resources Department's Staff.

1. Pentacle for Pascal Rioult Dance Theatre; one performance on February 9, 2002; cost of \$14,500.00.
2. Lula Washington Dance Company; one performance on February 16, 2002; cost of \$13,500.00.
3. NEXUS; one performance on March 16, 2002; cost of \$16,000.00.
4. World Arts, Inc. for Alonzo King's Lines Ballet; one performance on March 23 2002; cost of \$18,000.00.

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***RESOLUTION**

Be it resolved by the City Council of the City of El Paso:

That the Mayor be authorized to sign the following contracts on behalf of the Arts Resources Department for the FY2002 Music Under the Stars World Festival to be held at the Chamizal National Memorial, as recommended by the Arts Resources Department's Staff.

1. Circum Arts Booking for Atzilut Concerts for Peace; one performance on Sunday, June 9, 2002; cost of \$16,000.00.
2. PMG Arts Management for Philip Hamilton Quintet; one performance on Sunday, July 21, 2002; cost of \$8,500.00.
3. Eye for Talent for Kepa Junkera; one performance on Sunday, August 11, 2002; cost of \$7,000.00.
4. Folklore Productions for Lila Downs; one performance on Sunday, August 25, 2002; cost of \$8,000.00.

*R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Amendment 2 to the Reimbursement Agreement Between Agencies by and between the City of El Paso and the U.S. Department of Justice, to increase the estimated amount of funding under the agreement whereby the U.S. Department of Justice reimburses the City for certain expenses incurred relating to the handling of narcotics related cases by the Police Department from July 13, 2000 until all allocated funding for this agreement is expended by the U.S. Department of Justice.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit the Federal Annual Certification Report to the U.S. Department of Justice for fiscal year 2001 relating to the accounting of federal equitable sharing funds (confiscated funds).

Representative Cobos asked that with the increase in security has the City seen more revenue with the confiscation of funds. He asked for elaboration regarding the backup documents and what the dollar amounts were.

Representative Cook mentioned that the City of El Paso Police Department had to have been involved with the Department of Justice agencies to be allowed any of the confiscated funds.

Officer Robert Atkins, El Paso Police Department, responded to Representative Cobos' question regarding the dollar amounts. He stated that the bottom lines represent the comparison between the City of El Paso's annual budget and the Police Department's general fund between fiscal years.

Motion made by Representative Sariñana, seconded by Representative Cook and carried to approve the above Resolution.

Representatives Sumrall and Escobar abstained from the vote.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Access Agreement by and between the CITY OF EL PASO and the TEXAS NATURAL RESOURCE CONSERVATION COMMISSION (TNRCC) granting access to the TNRCC for testing and monitoring of City property and rights-of-way by and near a declared Superfund Site located on Wyoming Street. There is no cost to the City.

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***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL GOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE EL PASO INDEPENDENT SCHOOL DISTRICT FOR THE JOINT DEVELOPMENT, IMPROVEMENT AND USE OF GIRLS SOFTBALL PLAY FIELDS AT SKYLINE OPTIMIST YOUTH PARK; DELTA PARK AND MEMORIAL PARK, EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the El Paso Independent School District ("District") desires to enter into an Interlocal Governmental Agreement with the City of El Paso ("City") for the joint development, improvement and use of certain City Parks to provide recreational fields for the use of the District's Girls High School Softball Program; and,

WHEREAS, the City and the District each find that such an Agreement would be to the mutual benefit of the citizens of the City and the students of the District; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign an Interlocal Governmental Agreement between the City and the El Paso Independent School District for the joint development, improvement and use of Girls Softball Play Fields at Skyline Optimist Youth Park, Delta Park and Memorial Park, all in El Paso, El Paso County, Texas.

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***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL GOVERNMENTAL AGREEMENT BETWEEN THE CITY AND EL PASO COUNTY WHEREIN EL PASO COUNTY SHALL BE THE LEAD AGENCY FOR A TEXAS PARKS AND WILDLIFE GRANT TO MAKE PARK IMPROVEMENTS ALONG AND ADJACENT TO THE RIO GRANDE RIVER, EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, Texas Government Code, Chapter 791, authorizes local governments of the state to enter into contracts for governmental functions and services to increase their efficiency and effectiveness; and,

WHEREAS, the City of El Paso and the El Paso County recognize that establishing a river park adjacent to the Rio Grande River will benefit the people of El Paso and El Paso County; and,

WHEREAS, El Paso County made application for and received a grant from the Texas Parks and Wildlife Service in the sum of \$750,000.00; said grant to be matched \$380,000.00 by the City and \$370,000.00 by the Paso del Norte Health Foundation with El Paso County being the administrator of the grant; and,

WHEREAS, the City and the County will enter into ground lease agreements for their respective jurisdictional areas with the International Boundary and Water Commission, which controls the area adjacent to the Rio Grande River, so as to provide an area for improvements described as the flood way adjacent to the river in El Paso, El Paso County to establish a river park consisting primarily of walking and bike trails; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign an Interlocal Governmental Agreement between the City and El Paso County for the development, improvement and use of park improvements along and adjacent to the Rio Grande River in El Paso, El Paso, El Paso County, Texas.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an agreement between the City of El Paso and the Wells Fargo Sun Bowl Association relating to traffic control and actions associated with the El Paso Wells Fargo Sun Bowl on Monday, December 31, 2001 in the Sun Bowl Stadium.

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***R E S O L U T I O N**

WHEREAS, certain lands in El Paso County are assigned water rights under the RioGrande Federal Reclamation Project and the owners thereof may assign said rights; and,

WHEREAS, the City of El Paso desires to acquire water rights for the benefits of the citizens of El Paso, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign, on behalf of the City, acceptance of Irrigation Water Assignment agreements numbers: 10110, 10192, 10193, 10295, 10296, 10297, 10298, 10299, 10300, 10301, 10302, 10303, 10304, 10305, 10306, 10307, 10308, 10309, 10310, 10311, 10312, 10313, 10314, 10315, 10316, 10317, 10318, 10319, 10320, 10321, 10322, 10323, 10324, 10325, 10326, 10327, 10328, 10329, 10330, 10331, 10332, 10333, 10334, 10335, 10336, 10337, 10338, 10339, 10340, 10341, 10342, 10343, 10344, 10345 and 10346 for irrigation water acres, in El Paso County, Texas.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Trimble Loan Agreement by and between the City of El Paso, on behalf of the Retired and Senior Volunteer Program (RSVP), and the Environmental Alliance for Senior Involvement (EASI), whereby Trimble-GPS Pathfinder GeoExplorer 3 equipment will be loaned to the City to be utilized in connection with the EASI Grant received by the City for a Senior Environmental Corps Program.

Representative Cobos asked for clarification regarding the funding account.

Ms. JoAnn Houchin, Retired and Senior Volunteer Program (RSVP) Senior Citizen Program Coordinator, responded that there would be no cost to the City. The funding that was available was \$2,400.00 that the EASI organization made available for volunteer support expenses. She mentioned that there would be 12 volunteers working on the well head production survey and that the funding pays for their mileage, meal reimbursement and other items.

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of ELEVEN THOUSAND NINE HUNDRED FIFTY AND NO/100THS DOLLARS (\$ 11,950.00 - \$5,625 loan/\$6,325 grant) against the following described real property:

Lot 19, Block 12, CEDAR GROVE PARK ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 6, Page 28, Plat Records of El Paso County, Texas; also known and numbered as 7357 Ironwood Circle, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of ONE THOUSAND NINE HUNDRED TWENTY AND 94/100THS DOLLARS (\$1,920.94).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of EIGHT THOUSAND SIX HUNDRED AND NO/100THS DOLLARS (\$ 8,600.00 - \$3,000 loan/\$5,600 grant) against the following described real property:

Lot 84, Block 3, ALEXANDER ADDITION TO YSLETA, TEXAS, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 4, Page 26, Plat Records of El Paso County, Texas; also known and numbered as 9168 Concha Way, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of ONE AND 18/100THS DOLLARS (\$1.18).

***RESOLUTION**

WHEREAS, the City of El Paso, Texas ("the City"), and the County of El Paso, Texas ("the County"), established a Joint Revolving Loan Fund ("the Joint RLF") to be administered by Chase Bank of Texas, N.A. ("Chase Bank"), utilizing funds available under the U.S. Department of Commerce, Economic Development Administration ("EDA") Section 209 Economic Adjustment Program, and as provided by the Texas Department of Housing and Community Affairs ("TDHCA"), respectively; and

WHEREAS, the Joint RLF was established pursuant to the terms of an Interlocal Agreement, dated May 16, 2000, and thereafter amended, between the City and the County, and a Revolving Loan Fund Program Agreement, dated May 16, 2000, and thereafter amended, among the City, the County, Chase Bank, and additional Program Lenders; and

WHEREAS, the Revolving Loan Fund Plan ("RLF Plan") was described in Exhibit A to the above-referenced Interlocal Agreement and Program Agreement;

WHEREAS, upon submission to the EDA of the program report for the Joint RLF for the period ending September 30, 2001, Section VIII. D. of the EDA's Administrative Manual and Section D.03 of the EDA's Standard Terms and Conditions require annual certification by the governing board of the grant recipient that the Joint RLF is being operated in accordance with the RLF Plan; and

WHEREAS, the City Council is the governing body of the City of El Paso, which is the grant recipient of funds from the EDA;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the performance of the Joint Revolving Loan Fund has been reviewed for the period ending September 30, 2001, and that the Mayor be authorized to certify the following to the Economic Development Administration:

1. The RLF Plan is consistent with and supportive of the area's current economic adjustment strategy; and
2. The Joint RLF is being operated in accordance with the policies and procedures contained in the RLF Plan, and the loan portfolio meets the standards contained therein.

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Motion made, seconded and unanimously carried to move to the Regular Agenda a Resolution that the Mayor be authorized to sign the Sixth Amendment to the XII Travelers Commission Agreement between the City of El Paso and John S. Houser to extend the completion date for the Juan de Oñate Statue to December 31, 2003.

Representative Sariñana discussed the amount of money that the City had agreed to pay Mr. Houser as long as Mr. Houser would abide by the contract. Representative Sariñana stated that, in his opinion, Mr. Houser was not abiding by the contract. He stated that he could not support authorizing Mr. Houser this amendment.

Representative Sumrall stated that the statue has long been an uncomfortable issue. She stated that the City should move forward, place the statue somewhere and learn from this experience. She asked that in future City contracts, a portion address the issue(s) of tardiness and the ramification(s) thereof.

Representative Rodriguez questioned why the contract was being extended.

Mr. Henry Dorado, Chairman of the XII Travelers Committee, explained that the Committee unanimously approved the extension for the project. He remarked that if the statue were to be brought to El Paso today there would not be a location to store it due to the History Museum renovation project not being finished. He remarked that the statue would be complete in December, 2003.

Representative Medina asked whether it would be fair to state that the statue would be complete when the construction of History Museum and the extension of the main library would be completed. He asked that the City staff provide him with a history of the project, to include the funding and timeframe.

Mr. John Nance, Assistant City Attorney, remarked that he did not have the specific dates and the amounts of the approvals of the partial payments at this time; however, he could provide Council Members what the percentages were and the approximate dates.

Mr. Roberto E. Franco, Director of Economic Development, explained that the projects were approved by the TIF Board in 1991 and the amounts for the two XII Travelers projects was \$275,000.00. He noted that \$137,500.00 for the Frey Garcia statue, which has been completed, and \$137,500.00 for the Don Juan de Oñate statue. As of December 2001, \$20,625.00 has been paid to Mr. Houser, an equivalent of 15% from when the approval of the maquette was given by City Council. Following that, 30% of \$41,250.00, was paid for the completion of the full-scale model of the maquette. So far the total amount of monies paid to Mr. House is \$61,875.00. Mr. Franco stated that the amount of monies awaiting to be paid to Mr. Houser is 30% of the \$137,500.00, which is \$41,250.00. The \$41,250.00 would be paid when the casting was completed; and following the delivery and installation of the statues, Mr. Houser would be paid the remaining 25% of \$34,375.00.

Representative Cook asked what dollar amount of private sector monies had been contributed.

Mr. Dorado mentioned that Don Juan de Oñate's image is displayed in other locations in the State of Texas.

Representative Cobos asked whether Mr. Houser was contracted to provide any of the remaining XII Traveler sculptures.

Mr. Nance stated no and explained that the remaining sculptures have not been awarded contracts.

Representative Power commented on the number of extensions for Mr. Houser and he would only authorize the extension of the contract for one year. He made a motion to amend the contract for one year until December 31, 2002. There was no second.

Ms. Rita Rodriguez, City Attorney, explained that the item did not have to be approved today and that Council Members could postpone it. She stated that the contract expires on December 31, 2001.

Representative Medina asked that the item be moved to Executive Session in order to consult with the City Attorney. He made the motion to include this Resolution in the Executive Session, Representative Power seconded.

Mayor Caballero suggested that the item would be discussed during the regular Executive Session items.

Representative Sumrall pointed out that Mr. Nicholas Houser, Mr. Houser's brother, was in the audience. She asked if Mr. Houser would provide some information regarding status of the statue.

Mr. Antonio Piñon, XII Travelers Executive Board, commented that the decision regarding where the statue would be placed has not yet been made and that without this information it is difficult to proceed. He stated the Board understands that this is a large project and would draw many tourists.

Mayor Caballero suggested that the decision regarding the site be made soon.

Representative Escobar commented that during Public Works Legislative Review meetings there have been discussions regarding using funds to purchasing artwork and displaying the works of art outside of buildings. He noted that this statue is one that might be considered for such a display. He suggested that Council decide on the contract extension and not discuss any other issues.

Representative Cook asked if it was feasible to only extend the contract for one year.

Mr. Dorado made comments regarding the McKee Foundation funding.

Mr. Nicholas Houser clarified that the McKee funds are committed funds, which are paid in installments. He stated that the McKee Foundation monies are only utilized for casting the monument. He explained that the artist is moving forward with the molds and that this is the largest statue in the world. The Board has raised over 90% of the monies through the private sector.

Representative Escobar stated that this project has never been tried before and delays are inevitable. He moved to approve the Resolution, Representative Sumrall seconded.

Ms. Carole Hunter, City Clerk, stated that a motion had been made previously to move the item into Executive Session.

See Executive Session on Page 26 for action on this item.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a First Amendment to the Agreement for Engineering Services between the City of El Paso and Brock & Bustillos, Inc., regarding the "Ladera Road Parkway Improvements" Project, to allow for the inclusion of previously omitted federal regulations and a revision of existing contractual language.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a First Amendment to the Agreement for Engineering Services between the City of El Paso and Villa Verde, Inc., regarding the "Taxco Drive and Acapulco Drive Parkway Improvements" Project, to allow for the inclusion of previously omitted federal regulations and a revision of existing contractual language.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a First Amendment to the Agreement for Engineering Services between the City of El Paso and Dorado Engineering, Inc., regarding the "Dale Road Parkway Improvements" Project, to allow for the inclusion of previously omitted federal regulations and a revision of existing contractual language.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **Dorado Engineering, Inc.**, for a project known as **"Retrofitting of Municipal Separate Storm Sewer System for Water Quality"** for an amount not to exceed TWO HUNDRED FIFTY-FIVE THOUSAND AND NO/100 DOLLARS (\$255,000.00).

Representative Power questioned the retrofitting of the sewer system.

Mr. Antonio Flores, Storm Water & Pollution Control Chief – Public Works, explained that the project was part of the storm water permit requirements by the EPA.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Mary Ann Clark covering an exhibit of "Egyptian Artwork" at the Westside Branch of the El Paso Public Library System for the period of January 7 through February 5, 2002. This exhibition is at no cost to the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Public Library ("the Library") be authorized to sign the Costume Appearance Agreement with Costume Specialists, Inc., for the loan of a "Curious George" walk-about character costume from January 10 through 21, 2002. The costume shall be used for programs at all libraries during such time period. The costume is provided at no fee to the Library, except for an estimated \$40 - \$70 to cover return shipping costs.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art.

Event:	Seminar
Licensee:	Associated General Contractors
Date:	December 18, 2001
Time:	1:30 p.m. - 4:30 p.m.
Charge for Space:	\$200.00
Charge for Insurance:	\$40.00
Area(s):	Seminar Room

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Undergraduate Intern Employment Contract between the **CITY OF EL PASO** and **CHANA BOUNDS** to increase the number hours to 40 hours per week Intern may work per week. This contract amendment is subject to the approval of the City's Civil Service Commission.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with the YSLETA INDEPENDENT SCHOOL DISTRICT FOR MARIAN MANOR ELEMENTARY SCHOOL, to lend it Six (6) 32 Gallon Containers, and Fifty (50) 8 Gallon Baskets for its recyclable materials generated at that location, in conjunction with the Department of Solid Waste Management's recycling program.

*Motion made, seconded and unanimously carried to authorize that \$700.00 be allocated from Representative Rodriguez' Discretionary Funds to Building Services - Code Enforcement Division to purchase a digital camera for department use.

*Motion made, seconded and unanimously carried that the street and drainage improvements in the Victor Estates Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Victor Lane - from Elvin Way to the end of the cul-de-sac

Drainage Improvements:

Ponding Area - at Lot 18, Block 2; 0.27 ac. Area and 0.64 ac-ft Capacity; 665.0' x 7.0' high Chainlink Fence with 2-18.0' Double Swing Gate; and 2.0' x 6.0' Flume.

*Motion made, seconded and unanimously carried to approve the request to fill the position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Secretary II (1)

*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Clerk Typist II (1)
- B. Outreach Services Librarian I (1)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Health

Add	1.0	Animal Control Manager	PM80
Delete	1.0	Animal Control Manager	PM76
Delete	.67	Budget & Services Manager	PM76
Delete	.03	Budget & Services Manager	PM76

Delete	.30	Budget & Services Manager	PM76
Delete	.47	Health Education & Train Mgr	EX-H
Delete	.25	Health Education & Train Mgr	EX-H
Add	.02	Health Education & Train Mgr	EX-H
Add	.70	Health Education & Train Mgr	EX-H
Add	1.34	Health Education Specialist	GS70
Add	.06	Health Education Specialist	GS70
Add	.60	Health Education Specialist	GS70
Add	2.01	Clerk II	GS9
Delete	2.36	CSA BF Counselor	GS9
Delete	.09	CSA BF Counselor	GS9
Delete	1.05	CSA BF Counselor	GS9
Delete	1.34	LVN	GS19
Delete	.06	LVN	GS19
Delete	.60	LVN	GS19
Add	1.0	Public Health Nurse	PM76
Delete	2.0	LVN	GS19
Delete	1.0	Health Education & Train Mgr	AP
Delete	1.34	Stock Clerk I	GS12
Delete	.06	Stock Clerk I	GS12
Delete	.60	Stock Clerk I	GS12
Add	1.34	Stores Clerk I	GS12
Add	.06	Stores Clerk I	GS12
Add	.60	Stores Clerk I	GS12
Add	1.0	Stores Clerk I	GS12
Delete	1.0	Stores Clerk I	GS12
Delete	1.0	Admin Services Technician	GS22
Add	.12	Administrative Assistant	GS23
Add	.75	LVN	GS19
Add	1.0	Quality Assurance & Safe Mgr	PM78
Delete	1.0	Quality Assurance Manager	AP
Delete	1.0	Customer Relations & Bill Supv	GS20
Add	1.0	Customer Relations & Bill Supv	GS20

.....
 *Motion made, seconded and unanimously carried to approve the Staffing Table Change for Library

Delete	1.0	Library Information Supervisor	GS21
Delete	3.0	Library Information Specialist II	GS17
Delete	2.0	Library Information Specialist I	GS12
Add	9.0	Library Assistant	GS 7

.....
 *Motion made, seconded and unanimously carried to appoint Heramb K. Singh, M.D. to the Art Museum Advisory Board to fill an unexpired term by Representative Cobos.

*Motion made, seconded and unanimously carried to appoint Hector Arellano to the Plumbing/HVAC Board of Appeals by Representative Escobar.

.....
*Motion made, seconded and unanimously carried to re-appoint Mary Ann Hutchison to the City Plan Commission by Representative Medina.

.....
*Motion made, seconded and unanimously carried to approve Change Order No. 2 (Scope Change) to EE & E Construction for "Collingsworth Phase III" for an increased amount of \$16,784.00. Value engineering to extend sewer box culvert beyond limits of construction. (2001-140)

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda Bid No. 2001-228 Forensic Computer Software.

Representative Sumrall stated that she has not received answers to her questions and concerns. She explained that the software is for use at the Police Department and explained the three types of computer software. She asked under what circumstances would the Police Department be authorized to utilize these types of software and what authority did Mr. Jim Pulliam, Information Technology Director, have. She stated she would like Mr. Pulliam to have the final authority on the structuring of the software.

Cpt. Roy Davis, El Paso Police Department, responded that gathering information from a computer follows the same procedure as any other case. He explained following a search warrant and subsequent arrest the computer would become "evidence".

Representative Sumrall commented on federal law and computer access and she asked why the FBI would not perform this service rather than the Police Department.

Cpt. Davis remarked that the Police Department has forwarded material to other labs and that the turn around has taken a year or longer and this inhibits the Police Department's ability to prosecute individuals.

Representative Sumrall remarked that Mr. Pulliam is very knowledgeable regarding the legalities of computers and asked that he be a part of the process somehow.

Mr. Pulliam responded that regarding the legality issues he would not like to be personally responsible and that his staff is not qualified. He stated once the information is extrapolated from the computer it would be considered evidence and therefore the responsibility should be with the Police Department. He explained that a stand alone workstation would be utilized to extract the evidence.

Representatives Sumrall and Cook made comments. Detective Chris Gamble, White Collar Crime Unit, responded.

Representative Escobar noted that this project needs to move forward in order that the El Paso Police Department become equivalent to the FBI. He mentioned that the computer and software would be utilized to gather evidence and to be able to utilize the evidence in a court of law.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to award Bid No. 2001-228 Forensic Computer Software

Award to: Vendor (1): Guidance Software, Inc.
Pasadena, CA
Item: 1
Amount: \$1,995.00 (Estimated)

Award to: Vendor (2): AccessData Corporation
Provo, UT
Item: 2
Amount: \$1,395.00 (Estimated)

Award to: Vendor (3): New Technology, Inc.
Gresham, OR
Item: 3
Amount: \$135.00 (Estimated)

Department: El Paso Police Department
Funds available: 21150060-P500231-16371
Funding source: Treasury Confiscated Funds
Total Amount: \$3,525.00 (Estimated)

The El Paso Police and Purchasing Departments recommend awards as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a six (6) month requirements-type contract, to purchase Forensic Computer Software for the Police White Collar Crime Unit. Item 1 is a software program that enables the non-invasive recovery of all existing information on a computer drive, including deleted files and hidden files. Item 2 is a software program that will open encrypted (password protected) files. Item 3 is a software program that searches and documents the occurrence of text stored on a computer drive.

The Contract will officially begin at 12:01 a.m., November 28, 2001. No prompt payment discount offered.

Representative Medina abstained from the vote.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-006 EPIA Pavement Rehabilitation-Runway 8R-26L & Taxiway L

Contractor: C.F. Jordan, L.P.
El Paso, Texas

Department: Airport
Funds Available: 62000-62620031-G620AIP0017-11504-508027
Funding Source: FAA
Items: Base Bid \$1,708,317.95
Total Award: \$1,708,317.95 (estimate)

The Purchasing Department recommends the award of this contract to C.F. Jordan, L.P., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

DESCRIPTION OR EXPLANATION:

Base Bid: \$1,708,317.95

TOTAL RECOMMENDED AWARD:

\$1,708,317.95 (estimate)

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-023 Wheel and Axle Alignment

Award to: Vendor (1) Advance Auto
El Paso, Texas
Item(s): Group I
Amount: \$15,000.00 (estimated annually)

Award to: Vendor (2) El Paso Tire Center
El Paso, Texas
Item(s): Group II
Amount: \$4,000.00 (estimated annually)

Department: Equipment Maintenance
Funds Available: 37370510-503121
Funding Source: Equipment Maintenance Internal Service Funds
Total Award: \$19,000.00

The Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor #1 also offers the City a prompt payment discount of 1% 10 days.

Vendor #2 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of thirty six (36) months.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-041 Electrical Components and Related Parts

Award to: Main Auto Parts
El Paso, Texas
Item(s): All
Amount: \$20,000.00 (estimated annually)

Department: Equipment Maintenance
Funds Available: 37370510-503121
Funding Source: Equipment Maintenance Internal Service Funds
Total Award: \$20,000.00

The Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor also offers the City a prompt payment discount of 2% 20 days.

This is a Requirements Type Contract with an initial term of thirty six (36) months.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-044 Hydraulic Components and Related Parts

Award to: Truck Enterprises, Inc.
El Paso, Texas
Item(s): All
Amount: \$25,000.00 (estimated annually)

Department: Equipment Maintenance
Funds Available: 37370510-503121
Funding Source: Equipment Maintenance Internal Service Fund
Total Award: \$25,000.00

The Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the contract. Vendor also offers the City a prompt payment discount of 2% 10 days.

This is a Requirements Type Contract with an initial term of thirty six (36) months.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-046 Fire Detection/Inergen Suppression System

Award to: Assurance Fire Protection, LLC
El Paso, Texas
Item(s): 1 with Option 2 & 3
Amount: \$35,218.00

Department: Public Works
Funds Available: 508010_Project:P501554 TMC/CBD Signalization Upgrade
Funding source: Private Funded Capital Projects Other Outside Sources
Total Award: \$35,218.00

Public Works Building Maintenance Department and Purchasing recommend awards as indicated as this vendor is the responsible and responsive bidder meeting specifications.

This is a one time purchase.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-120 PARKS & RECREATION

This budget transfer appropriates funds for increased chemical expenses for aquatic facilities. Pool chemical expenses are higher than anticipated.

Increase	\$10,000	to	51010281/P50020316303/407002	Estimated Rev
Increase	\$10,000	to	51010281/P50020316303/503112	Clinic Med Sup
.....				

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-128 PUBLIC WORKS/BLDG MAINT
Public Works proposes to transfer funds to cover Janitorial and Pest Control Contracts at City Hall and MSC.

Decrease	\$41,189	from	31010325/01101/502206	Janitorial
Increase	\$ 189	to	31010325/01101/502220	Pest Control
Increase	\$41,000	to	31010326/01101/502206	Janitorial

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-129 PUBLIC WORKS/BLDG MAINT
Public Works proposes to transfer funds to cover Janitorial and Pest Control Contracts at City Hall and MSC.

Decrease	\$15,500	from	31010327/01101/502206	Janitorial
Increase	\$ 500	to	31010327/01101/502220	Pest Control
Increase	\$ 1,000	to	31010326/01101/502220	Pest Control
Increase	\$14,000	to	31010326/01101/502206	Janitorial

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-130 PUBLIC WORKS/BLDG MAINT
Public Works proposes to transfer funds to cover Janitorial and Pest Control Contracts at City Hall and MSC.

Decrease	\$13,806	from	31010326/01101/502226	BDM/Contracts
Increase	\$ 2,500	to	31010326/01101/502221	GroundsKeeping
Increase	\$ 700	to	31010326/01101/502220	Pest Control
Increase	\$ 6,786	to	31010350/01101/502206	Janitorial
Increase	\$ 3,820	to	31010350/01101/502221	GroundsKeeping

*Motion made, seconded and unanimously carried to approve the request of Centro de Salud Familiar La Fe to block off Scenic Drive between Wheeling Avenue and Rim Road on December 22, 2001 from 6:00 a.m. to 11:59 p.m. for lighting and viewing of luminarias. Approximately 250 persons and 500 vehicles will take part and 1,200 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 01-169

Motion made, seconded and unanimously carried to move to the Regular Agenda the request of Custom Cruise & Race Association to hold a parade on December 16, 2001 from 2:00 p.m. to 3:00 p.m.

Ms. Carole Hunter, City Clerk, read the parade request into the record and noted that the applicant has requested a waiver of fees. The City Clerk's office has received the affidavit.

Representative Medina stated that he received a letter from the Texas Department of Transportation.

Representative Rodriguez read excerpts from the letter for general information. She noted that this organization is requesting an event similar to that of the Toys for Tots parade and asked whether the City would be sponsoring it.

Representative Medina stated that the Legal Legislative Review is currently reviewing the parade Ordinance regarding indigency issues asking for a waiver of the fees. He explained that individuals and/or organizations could provide their fundraising events without any cost to the City's taxpayers. He moved to approve the parade without the waiver of the fees, Representative Sumrall seconded.

A gentleman representing the Custom Cruise & Race Association explained that the organization's annual cost was \$2400.00 and the annual income was \$2200.00. He stated the reason for the waiver was because the organization could not afford to pay for the officers to monitor the event.

Representative Cobos stated that he would contribute to the organization to cover the \$280.00 fee.

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to approve the request of Custom Cruise & Race Association to hold a parade on December 16, 2001 from 2:00 p.m. to 3:00 p.m. Route: Start at Far West Rodeo (1225 Airway), follow Airway to Montana, right on Montana, east to George Dieter, right on George Dieter, south to Pellicano, right on Pellicano, west to Lee Trevino, right on Lee Trevino, north to Pebble Hills, left on Pebble Hills, west to Pebble Hills Police Station where parade will end. Approximately 100 vehicles will take part. PERMIT NO. 01-171. Fees were not waived.

Motion made, seconded and unanimously carried to move to the Regular Agenda the request of Juana Correa to block off the 3400 block of Louisville between Copia and Byron from 11:59 p.m. on December 14, 2001 to 11:59 p.m. on December 15, 2001 for a block party.

Representative Sumrall moved to approve, Representative Medina seconded. She immediately withdrew her Motion as the item is not in her district.

Representative Rodriguez commented on the time(s) that the event would be taking place.

Mr. John Nance, Assistant City Attorney, explained that the time requested was for 12:00 a.m. to 11:59 p.m.

Representative Cook suggested changing the time of the event to begin at 11:59 a.m. to 11:59 p.m.

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to approve the request of Juana Correa to block off the 3400 block of Louisville between Copia and Byron from 11:59 a.m. on December 14, 2001 to 11:59 p.m. on December 15, 2001 for a block party. Approximately 20 persons will take part and 150 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (amplifier & microphone - 500 watts) PERMIT NO. 01-170

Motion made, seconded and unanimously carried to move to the Regular Agenda the request of Mike D. Mitchell to use amplification (2x18" bottom speakers; 2x15" top speakers; 1 microphone; CD player) at Memorial Park on December 15, 2001 from 12:00 noon to 6:00 p.m.

Representative Rodriguez congratulated Mr. Mitchell for collecting blankets and toys for the children.

Motion made by Representative Rodriguez, seconded by Representative Medina and unanimously carried to approve the request of Mike D. Mitchell to use amplification (2x18" bottom speakers; 2x15" top speakers; 1 microphone; CD player) at Memorial Park on December 15, 2001 from 12:00 noon to 6:00 p.m. Approximately 40-100 persons will participate. PERMIT NO. 01-172

*Motion made, seconded and unanimously carried to postpone four (4) weeks an Ordinance changing the zoning of a portion of Tract 7, Pendale Acres, Unit 2, City of El Paso, El Paso County, Texas (445 Pendale Road) from R-F (Ranch-Farm) to R-2A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Oscar and Jennifer Lujan / Representative: Oscar and Jennifer Lujan, 12232 Russolo Drive, El Paso, TX 79936. ZC-01021

ORDINANCE 14991

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF EL PASO, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2001A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$33,970,000; LEVYING A TAX IN PAYMENT THEREOF; AWARDING THE SALE THEREOF, APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO**

Representative Cobos remarked that the Ordinance needed revising from the \$34,200,000 to \$33,970,000. He was concerned that \$190,000.00 within the Certificates of Obligation was not accounted for. He discussed the differences between a document provided by First Southwest and a document that he had composed for Council Members information.

Mr. Bill Chapman, Chief Financial Officer, responded to Representative Cobos' comments regarding amortization and other issues.

Mayor Raymond C. Caballero spoke on the \$5 million dollars to be utilized for the health laboratory and dental facilities. He commented on the Texas Department of Transportation Clark street facility. He suggested that Council Members discuss these issues and address the concerns.

Representative Sumrall stated that she has reviewed the list of items and felt that most of the items fell under the criteria of what Certificates of Obligations should be utilized for. She stated that the laboratory and dental facility are emergency purchases. She made comments on the Texas Department of Transportation property and that she is concerned with environmental and railroad issues.

Mayor Caballero stated that the TXDOT facility was merely a proposal and that the City was providing for a contingency to purchase the property.

Representative Sumrall suggested removing the major items, the railroad and TXDOT properties, from the list until the next issuance of Certificates of Obligation.

Mr. Chapman interjected stating that he had conferred with the bond attorneys who explained that this was an "all or nothing sell".

Mr. Charlie McNabb, Chief Administrative Officer, made comments regarding the TXDOT property.

Representative Cook asked what the impact would be if Council Members decided not to continue with the purchase of the Clark Street property.

Mr. Chapman explained that the funds would be utilized to pay down the debt.

Representative Sumrall clarified that the Ordinance would allow for the monies to be on hand.

Mr. McNabb explained that with any bond issue circumstances arise and the money may be spent on other items or the monies may be utilized to pay down the debt.

Mr. Chapman explained that the amount was lowered and Mr. Norman Gordon, attorney, would be explaining the legalities surrounding this.

Mr. Gordon responded that the Ordinance would need to be amended to reflect the amount of \$33,970,000.00.

Representative Sumrall amended her motion to include the \$33,970,000.00 dollar amount. Representative Medina seconded.

Representative Rodriguez explained that Mr. Steven Adams, First Southwest, was requesting information as to what items would be removed from the list due to interest rate percentages.

Mr. Adams responded that he needed a listing of the items to insert into the Official Statement for bid purposes.

Ms. Teresa Caballero, citizen and representative of the El Paso Fights Back Coalition, made comments regarding the Certificates of Obligation and taxpayer concerns.

Mr. Albert Jefferson, citizen, commented on the Certificates of Obligation and noted that the CO's were a subtle way of taxing the citizens without their knowledge.

Mayor Caballero responded to Mr. Jefferson's comment and stated that the budget hearings addressed the items on the list. The budget hearings were public hearings that the citizens were encouraged to attend. He added that it was determined, many City Councils ago, that elections not be held whenever the City would be making a purchase. He remarked that all the listed items were paid through the debt service.

Representative Cobos noted that \$8.6 million dollars was not discussed during the budget hearings.

Mayor Caballero remarked that the monies would be utilized for the laboratory or the TXDOT facility; however, Council Members have not yet voted on this.

Mr. Jefferson questioned what the TXDOT facility would be utilized for.

Mayor Caballero explained that the City was interested in the property approximately one year ago, prior to him becoming Mayor and that the Public Works Department reviewed the property. He went on to say it was noted that other City Departments were interested in this property for expansion reasons, etc; however, the County drew an interest in the property and subsequently the City withdrew. He stated that now, however, the property has become available again and the City now has an opportunity to purchase it.

Representative Cook remarked that in the list to be approved are new cells for landfills. He questioned what would happen if the general public voted not to approve the cells.

Motion duly made by Representative Sumrall, seconded by Representative Medina, that the Ordinance be adopted as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

- AYES: Council Members Sumrall, Medina, Cook, Power and Escobar
- NAYS: Council Member Rodriguez, Sariñana and Cobos
- Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 14992

The City Clerk read an Ordinance entitled: **THAT THE MAYOR BE AUTHORIZED TO SIGN AND ACCEPT AN EASEMENT FOR THE INSTALLATION OF A TRAFFIC SIGNAL LOCATED AT THE INTERSECTION OF GEORGE DIETER DRIVE AND PENDALE ROAD.**

Motion duly made by Representative Escobar, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to delete the Public hearing to determine if the Council Resolution of September 12, 2001, for the property located at 2506 San Jose Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owners of this property, Herminio & Rose Marie B. Arteaga, 2506 San Jose Avenue, have been notified of the violations at this property.

.....
Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve Conditional "B" building permits for Montwood Heights Unit Seven based on the developer's statement that further delays may negatively impact the building trades which count on these building starts for the fall and winter.

Mr. Carlos Bombach, Vice President of JNC Land Company, explained why the company was experiencing a hardship.

.....
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to delete the discussion and action to approve housing for Amiga Mia, Inc., a Center for Women in Crisis. We have women who are in need of a place to stay as of today, November 30, 2001. (Maria Arreola)

Ms. Maria Arreola was not present for the discussion and the item was deleted.

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R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Amendment to Release and Relinquishment of Access Rights dated February 22, 1984, to allow vehicular traffic adjacent to *Lots 22 and 23, Block 6, HACIENDA HEIGHTS UNIT ONE, El Paso, El Paso County, Texas*, and require a release and relinquishment of access between the subject property and Adobe Street except for emergency vehicles.

Representative Sariñana asked for clarification.

Ms. Patricia Adatao, Director of Planning, explained that the property had been purchased as a proposed restaurant site and that the release would allow for access to Carolina Drive. She stated that the Planning

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Representative Sumrall was not present for the vote.

.....
Motion made by Representative Sariñana, seconded by Representative Escobar and carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance granting a Special Privilege to Primera Iglesia Bautista Mexicana, Inc. permitting the encroachment of two entryway doors onto a portion of public right-of-way at 1212 N. Stevens Street. (Annual Fee: \$550.00, SP-01019)
- B. An Ordinance nominating an area as the Northeast El Paso Enterprise Zone, but not a Reinvestment Zone, pursuant to the Texas Enterprise Zone Act (Texas Government Code, Chapter 2303); providing tax incentives; designating an authorized representative to act in all matters pertaining to the nomination and designation of the area described herein as an Enterprise Zone; and, further designating a liaison to act on all matters pertaining to the Enterprise Zone Act once designated by the Texas Department of Economic Development.
- C. An Ordinance vacating a portion out of U. S. Interstate Highway I-10 adjacent to Lot 1, Block 18, Regal Crest Unit Three, City of El Paso, El Paso County, Texas (Redd Road @ I-10 West).
- D. That Ordinance No. 8064, the Classification and Compensation Plan, shall be amended as follows: As recommended by the Civil Service Commission, the class of **ARCHITECT ASSOCIATE I** is hereby revised to change the title to **ARCHITECTURAL INTERN** in accordance with the duties and responsibilities attached hereto. The Code will remain 5875. The Grade will remain PM 75.
- E. That Ordinance No. 8064, the Classification and Compensation Plan, shall be amended as follows: As recommended by the Civil Service Commission, the class of **DEPUTY CITY CLERK** is hereby revised in accordance with the duties and responsibilities attached hereto. The Code will remain 5328. The Grade will remain PM 76.
- F. An Ordinance amending Ordinance Nos. 12909, 12141, and 10739, to provide that City Council may authorize the El Paso Public Library to accept return of overdue items without payment of fines or fees during a limited period of amnesty.

PUBLIC HEARING TO BE HELD ON DECEMBER 24, 2001 FOR ITEMS A - F

- G. An Ordinance amending Title 20 (Zoning) of The El Paso Municipal Code to add minimum yard standards in the S-D (Special Development District), and to permit variable yard setbacks and lot sizes in the S-D (Special Development District), PR-1 (Planned Residential District I), PR II (Planned Residential District II); and PMD (Planned Mountain District), the penalty being as provided in Chapter 20.68 of the Code.
- H. An Ordinance changing the zoning of a portion of Lot 19 and all of Lot 20, Block 17, COTTON ADDITION, El Paso, El Paso County, Texas (2330 Montana Avenue) from A-2 (Apartment) to S-D (Special Development) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Richard Nacim, 4009 Santa Anita, El Paso, TX 79902. ZC-01052

- I. An Ordinance changing the zoning of a portion of Section 33 and all of Tracts 1 and 1A, Section 40, Block 79, Township 2, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS, El Paso, El Paso County, Texas (East of Loop 375 and South of Montana Avenue) as follows: Parcel 1, from R-3 (Residential) to C-4/c (Commercial/conditions); Parcel 2, from R-3 (Residential) to PR-2 (Planned Residential); Parcel 3, from R-3 (Residential) to R-5 (Residential); Parcel 4 from R-3 (Residential) to C-3/c (Commercial/conditions) and Parcel 5 from R-3 (Residential) to R-3A (Residential), and imposing Certain Conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Rancho Real IV, LTD / Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936. ZC-01061

PUBLIC HEARING TO BE HELD ON JANUARY 3, 2002 FOR ITEMS G - I

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Sumrall was not present for the vote.

ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council approves of the Advisory Council by-laws formulated by officials of the EL PASO CITY-COUNTY NUTRITION PROJECT; RIO GRANDE COUNCIL OF GOVERNMENTS AREA AGENCY ON AGING, and THE CITY OF EL PASO PARKS & RECREATION DEPARTMENT. Said Advisory Council by-laws to become effective December 11, 2001.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the General Provisions Project Agreement form for the Blackie Chesher UPARR GRANT AWARD.

*Motion made, seconded and unanimously carried to approve Gran Mercado to use amplification (1 microphone and one speaker) at 416 South El Paso Street on December 11, 2001 through January 7, 2002 from 10:00 a.m. to 7:00 p.m. to advertise their goods/business.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to renew the Interlocal Agreement between the City of El Paso and the Downtown Management District.

Representative Cobos moved to approve the item and asked Mr. Mike Breitingner to discuss the Downtown Management District and other issues.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- | | |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |

- A. Estate of Irene Beltran Garcia, 00-C-259 (551.071)
- B. Discussion and action on the Department of Justice's matter, 01-C-303 (551.071)
- C. Texas Department of Health, Case No. 200109021-a, vs. City of El Paso (551.071)
- D. City of El Paso vs. Albert Malooley and owners of property at 4000 Dyer (551.071)
- E. Resolution that the Mayor be authorized to sign the Sixth Amendment to the XII Travelers Commission Agreement between the City of El Paso and John S. Houser to extend the completion date for the Juan de Oñate Statue to December 31, 2003.

Motion made by Representative Rodriguez, seconded by Representative Medina and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **ESTATE OF IRENE BELTRAN GARCIA**; Our File No. 00-C-259 be **DENIED** as recommended by the City Attorney.

No action was taken on the executive session discussion on the Department of Justice's matter, 01-C-303.

Motion made by Representative Medina, seconded by Representative Cook and carried that the Notice of Alleged Violation from the Texas Department of Health ("the Department") against the City of El Paso, case number 200109021-a, be **SETTLED** in its entirety as recommended by the City Attorney; and that the Mayor be authorized to sign, on behalf of the City, the Department's Proposed Settlement; and that the Mayor be authorized to sign any additional, related documentation.

Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED TO FILE LAWSUIT** in the case entitled **CITY OF EL PASO vs. ALBERT MALOOLEY AND OWNERS OF PROPERTY AT 4000 DYER, Our File No. 01-P-03**, as recommended by the City Attorney.

Motion made by Representative Medina, seconded by Representative Sariñana and carried to postpone one (1) week the Resolution that the Mayor be authorized to sign the Sixth Amendment to the XII Travelers Commission Agreement between the City of El Paso and John S. Houser to extend the completion date for the Juan de Oñate Statue to December 31, 2003.

Representatives Sumrall, Power and Escobar voted Nay.


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Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to adjourn this meeting at 12:40 p.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Carole Hunter, City Clerk



Rita Rodriguez, City Attorney

